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10/731,326

12/08/2003

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EXAMINER

HSU, RYAN

ART UNIT

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3714

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,326	<b>Applicant(s)</b> BALDWIN, GARY G.	
	<b>Examiner</b> RYAN HSU	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

In response to the amendments filed on 1/7/08, claims 1, 6, and 12-13 have been amended and claims 14-40 have been canceled. Claims 1-13 are pending in the current application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-10, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullins (US 5,158,293) and further in view of Walker et al. (US 6,086,477).**

Regarding claim 1, Mullins discloses a scratch off lottery ticket comprising: a first ticket portion sponsored by a lottery, where the first portion includes a game of chance (*see 'lottery game draw' [10] of Figs. 1-2 and the related description thereof*) and a second ticket portion capable of being sponsored by a non lottery party that includes a second game of chance (*see 'instant game' [11] of Figs. 1-2 and the related description thereof*). Although Mullins' ticket teaches a second game of chance that awards prizes it is silent with respect to specifically associating a prize giveaway with a business of the non lottery party and having a prize redeemed by the non lottery party.

In a related lottery game patent, Walker teaches that the background in the art lottery gaming tickets includes lottery tickets that offer bonus prizes in addition to qualifying for prizes

associated with a "lottery" drawing. In the teachings provided by Walker, organizations such as "the Missouri Lottery" offers an instant win ticket having on one side an entry for a lottery prize and on the other side a "bonus sport" providing an opportunity to win one prize from amongst millions of prizes donated by local businesses (*see col. 2: ln 40-67*). In other variations, the ticket may also provide ticket owners to receive a coupon redeemable for a discounted meal (*see col. 2: ln 40-67*). As such, Walker teaches a gaming ticket that provides a second game of chance that awards prizes associated with a non lottery party and having a prize redeemed by the non lottery party (*see col. 2: ln 40-67*). One would have been motivated to incorporate such a feature in the art as it involves promotional advertising by businesses in partnership with a lottery authority and offers the purchaser an additional value for a single lottery ticket. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Walker with that of Mullins to have a lottery ticket that incorporated a lottery drawing section and a non lottery party section in a single lottery ticket.

Regarding claim 6, Mullins discloses a lottery ticket comprising: a first section for providing a first game of chance wherein game prizes are redeemed through a lottery system (*see 'instant game' Fig. 1-2 and the related description thereof*) and a second section for a second game of chance capable for offering rewards associated with a non lottery entity wherein the rewards are redeemed at a location operated by the non lottery entity location (*see 'instant game' of Figs. 1-2 and the related description thereof*). Although Mullins' ticket teaches a second game of chance that awards prizes it is silent with respect to specifically associating a prize giveaway with a business of the non lottery party and having a prize redeemed by the non lottery party.

In a related lottery game patent, Walker teaches that the background in the art lottery gaming tickets includes lottery tickets that offer bonus prizes in addition to qualifying for prizes associated with a "lottery" drawing. In the teachings provided by Walker, organizations such as "the Missouri Lottery" offers an instant win ticket having on one side an entry for a lottery prize and on the other side a "bonus sport" providing an opportunity to win one prize from amongst millions of prizes donated by local businesses (*see col. 2: ln 40-67*). In other variations, the ticket may also provide ticket owners to receive a coupon redeemable for a discounted meal (*see col. 2: ln 40-67*). As such, Walker teaches a gaming ticket that provides a second game of chance that awards prizes associated with a non lottery party and having a prize redeemed by the non lottery party (*see col. 2: ln 40-67*). One would have been motivated to incorporate such a feature in the art as it involves promotional advertising by businesses in partnership with a lottery authority and offers the purchaser an additional value for a single lottery ticket. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Walker with that of Mullins to have a lottery ticket that incorporated a lottery drawing section and a non lottery party section in a single lottery ticket.

Regarding claim 12, Mullins discloses a scratch off lottery ticket comprising: a first section offering a first game of chance (*see 'lottery game draw' [10] of Figs. 1-2 and the related description thereof*) and a second section capable to offer game device credits (*ie: cash prize*)(*see 'instant game' [11] of Figs. 1-2 and the related description thereof*). Although Mullins' ticket teaches a second game of chance that awards prizes it is silent with respect to

specifically associating a prize giveaway with a business of the non lottery party and having a prize redeemed by the non lottery party.

In a related lottery game patent, Walker teaches that the background in the art lottery gaming tickets includes lottery tickets that offer bonus prizes in addition to qualifying for prizes associated with a "lottery" drawing. In the teachings provided by Walker, organizations such as "the Missouri Lottery" offers an instant win ticket having on one side an entry for a lottery prize and on the other side a "bonus sport" providing an opportunity to win one prize from amongst millions of prizes donated by local businesses (*see col. 2: ln 40-67*). In other variations, the ticket may also provide ticket owners to receive a coupon redeemable for a discounted meal (*see col. 2: ln 40-67*). As such, Walker teaches a gaming ticket that provides a second game of chance that awards prizes associated with a non lottery party and having a prize redeemed by the non lottery party (*see col. 2: ln 40-67*). One would have been motivated to incorporate such a feature in the art as it involves promotional advertising by businesses in partnership with a lottery authority and offers the purchaser an additional value for a single lottery ticket. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Walker with that of Mullins to have a lottery ticket that incorporated a lottery drawing section and a non lottery party section in a single lottery ticket.

Regarding claims 2 and 9, Mullins teaches a lottery ticket however is silent with respect to it being associated with a prize from a non lottery party such as a casino. However in a related gaming patent, Walker teaches a lottery ticket that associates prizes with an establishment (*ie: business associated with the lottery*)(*see col. 2: ln 40-67*). Therefore the lottery ticket is capable of having the non lottery party to be a casino. One would be motivate to incorporate such a

feature into a lottery ticket of Mullins in order to provide some sort of promotional game or incentive for playing the lottery ticket. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Walker et al. with that of Mullins.

Regarding claim 3 and 10, Mullins discloses a lottery ticket wherein the potential prize giveaways include one or more of the potential prizes in the group consisting of cash prizes, free casino play and discounted or free casino amenities (*see col. 3: ln 12-40*).

Regarding claims 5 and 7-8, Mullins discloses a lottery ticket that comprises a perforation for separating the first and second ticket portions from one another (*see perforation [40] of Fig. 1 and the related description thereof*).

**Claims 4, 11, and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullins and Walker et al. as applied to claims above, and further in view of Clapper Jr. (US 6,056,289).**

Regarding claims 4, 11, and 13, Mullins and Walker teaches a lottery ticket that comprises of a first section offering a game of chance and a second section offering a potential prize giveaway. However, Mullins and Walker are silent with respect to a lottery ticket that has a bar code that is readable by an electronic, casino game device such that free casino play or games may be redeemed by inserting the portion of the ticket including the bar code into the game device. In a related lottery ticket patent, Clapper teaches a lottery ticket that has a bar code that is readable by a game device such that free casino play or games may be redeemed by inserting the portion of the ticket including the bar code into the game device (*see col. 13: ln 50-*

*col. 14: ln 22*). One would be motivated to incorporate a bar code with the lottery ticket of Mullins in order to provide a verification mechanism so that tickets could not be easily forged. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Clapper with that of Mullins and Walker to incorporate a bar code verification mechanism into a lottery ticket.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

RH  
February 22, 2008